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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,313	08/29/2001	Robert J. Burnham	10541-451	6595

29074 7590 01/24/2006

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EXAMINER

GENACK, MATTHEW W

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/941,313

Applicant(s)

BURNHAM ET AL.

Examiner

Matthew W. Genack

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavenik, U.S. Patent No. 4,313,208, in view of Leeb, U.S. Patent No. 6,426,599.

Kavenik discloses an audio entertainment and information system for the cabin of a commercial passenger aircraft (Column 7 Lines 16-20, Column 7 Lines 63-65, Fig. 1). There are several lamps, each connected to the aircraft's AC power source, for the purpose of illuminating the cabin's interior (Column 10 Lines 33-40, Fig. 1). Another component of the entertainment system is the radio frequency audio transmitter (Column 7 Lines 40-42, Column 8 Lines 32-54, Fig. 1). There exists an audio source, which provides audio signals to the transmitter, which is adapted to receive these signals and to transmit them throughout the passenger cabin by feeding an appropriate antenna system (Column 8 Lines 12-19, Column 17 Lines 56-60, Fig. 1, Fig. 10). A wired connection exists between the audio transmitter and the audio source (Column 17 Lines 56-60, Fig. 10). Headsets are provided for the passengers, whereby said headsets are directly connected to equipment with the means for receiving the RF signals, controlling the volume, and selecting the audio channel (Column 7 Lines 23-26, Column 9 Lines 42-62, Fig. 3).

Kavenik does not expressly disclose the placement of transmitters in the lamps, said transmitters connectable to the audio source and adaptable to receive information, either analog or digital, from said audio source and to transmit signals containing said information.

Leeb discloses a dual-use electronic transceiver for wireless data networks, whereby information is transmitted by modulating the AC input waveform to a lamp, and said information is detected by a receiver adapted to detect the variations, imperceptible to the human eye, of the light emitted from the lamp (Abstract, Column 1 Lines 22-31, Column 3 Lines 35-64, Figs. 1, 7, and 10). Audio information, either analog or digital, may be sent to the transceiver from sources such as tape recorders, microphones, and stereos (Column 1 Lines 31-35, Column 8 Lines 49-56, Fig. 1). The transmitted information may be analog or digital (Column 2 Lines 36-44). The lamp may also emit electromagnetic radiation in the infrared portion of the spectrum, and a light emitting diode may be used as the lamp (Column 3 Line 65 to Column 4 Line 9).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Kavenik by replacing the lamps and the radio frequency audio transmitter of that invention with dual-use electronic transceivers of the invention of Leeb, and by replacing the radio frequency receivers of the headsets of the invention of Kavenik with the receivers, adapted to detect variations in the intensity of light, of the invention of Leeb.

One of ordinary skill in the art would have been motivated to make this modification because of the increased bandwidth, increased efficiency, and the

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availability of multiple digital data streams via a single lamp that result from the implementation of the dual-use transceiver apparatus, said apparatus lending itself to places that need both illumination and the capability of supporting a high volume of information transfer (Leeb: Column 1 Lines 35-40, Column 2 Lines 44-50).

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew Genack

Examiner

Art Unit 2645

*Matthew Genack*

11 January 2006

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